

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**DARAIUS DUBASH, and DR. FARAZ
HARSINI**

Plaintiffs,

v.

**CITY OF HOUSTON, TEXAS;
HOUSTON DOWNTOWN PARK
CORPORATION; OFFICER ROBERT
DOUGLAS (# 7943), in his Individual
capacity; OFFICER VERN WHITWORTH
(# 7595), in his individual capacity;
DISCOVERY GREEN CONSERVANCY
f/k/a HOUSTON DOWNTOWN PARK
CONSERVANCY; and BARRY MANDEL,
in his individual capacity,**

Defendants.

**CIVIL ACTION
CASE NO. 4:23-cv-03556**

**DEFENDANT CITY OF HOUSTON, TEXAS, OFFICER ROBERT DOUGLAS (# 7943),
OFFICER VERN WHITWORTH (# 7595), DISCOVERY GREEN CONSERVANCY,
AND BARRY MANDEL'S UNOPPOSED MOTION TO EXCEED PAGE LIMITS
IN MEMORANDUM OF LAW IN REPLY TO PLAINTIFFS' OPPOSITION TO
MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

THE CITY OF HOUSTON; OFFICER ROBERT DOUGLAS (#7943) in his individual capacity; OFFICER VERN WHITWORTH (#7595), in his individual capacity; DISCOVERY GREEN CONSERVANCY f/k/a HOUSTON DOWNTOWN PARK CONSERVANCY; and BARRY MANDEL, in his individual capacity, (hereinafter collectively referred to as "the Defendants"), move this Court for leave to exceed the page limits for their Memorandum of Law in reply to Plaintiffs' Response to Defendants' Motion to Dismiss pursuant to Rule 12(b)(6).

I. REQUEST TO EXCEED PAGE LIMITS

1. This action involves allegations by Plaintiffs that Defendants violated certain rights under the United States Constitution, and the Texas Religious Freedom Restoration Act (found generally at TEX. CIV. PRAC. & REM. CODE § 110.001, *et seq.*) which was filed on September 20 2023. *See* Docket No. 1.

2. On January 5, 2024, Defendants filed their Motion to Dismiss pursuant to Rule 12(b)(6), after which they filed an unopposed motion for leave to file excess pages on that motion. *See* Docket Nos. 44, 45. The Court granted leave to file excess pages. *See* Docket No. 49

3. Plaintiffs filed a consolidated Opposition to both Defendants' motion and one filed by co-defendant Houston Downtown Park Corporation on February 5, 2024. *See* Docket No. 53. Pursuant to permission granted by the Court on Plaintiffs' unopposed motion (Docket No. 52), Plaintiffs' consolidated Opposition was thirty-eight pages long, more than thirty-seven of which are devoted to arguments asserted in Defendants' motion.

4. Defendants respectfully request that leave be granted for their Memorandum of Law in Reply to Plaintiffs' Opposition, which was just filed under Docket No. 58, to be filed with the Clerk of the Court. This Memorandum of Law contains twenty-two substantive pages, which exceeds the Court's page limit by two pages.

5. Counsel for Plaintiffs have advised that they do not oppose the relief sought in this motion.

II. PRAYER FOR RELIEF

8. Accordingly, Defendants request that this motion be granted, that the Court grant leave to exceed the page limit by 2 pages, and that the Court accept the Reply Memorandum of Law filed at Docket No. 58.

Respectfully submitted,

s/ Andrew S. Holland
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**Attorneys for Defendants City of Houston, Texas,
Officer Robert Douglas (#7943), Officer Vern
Whitworth (#7595), Discovery Green
Conservancy, and Barry Mandel**

CERTIFICATE OF CONFERENCE

I, Andrew S. Holland, certify that today, February 19, 2024, I conferred with counsel of record for Plaintiffs via email regarding their position on this motion. They are unopposed to the relief sought in this motion.

s/ Andrew S. Holland
ANDREW S. HOLLAND

CERTIFICATE OF SERVICE

I, Andrew S. Holland, certify that today, February 19, 2024, I filed the motion to exceed page limits with CM/ECF, for filing and service upon all attorneys who have appeared.

s/ Andrew S. Holland
ANDREW S. HOLLAND